

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Fitzgerald & Associates, P.C.

By: Nicholas Fitzgerald  
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Counsel for Debtor

In Re:

Terry L. Small & Brenda Small

Case No.: 18-10171-KCF

Judge: Ferguson

Chapter: 13

### CHAPTER 13 DEBTOR'S CERTIFICATION IN OPPOSITION

The debtor in this case opposes the following (choose one):

1. ☐ Motion for Relief from the Automatic Stay filed by \_\_\_\_\_, creditor,

A hearing has been scheduled for \_\_\_\_\_, at \_\_\_\_\_.

☒ Motion to Dismiss filed by the Chapter 13 Trustee.

A hearing has been scheduled for July 28, 2020, at 9:00 a.m..

☐ Certification of Default filed by \_\_\_\_\_,

I am requesting a hearing be scheduled on this matter.

2. I oppose the above matter for the following reasons (choose one):

☐ Payments have been made in the amount of \$ \_\_\_\_\_, but have not been accounted for. Documentation in support is attached.

☐ Payments have not been made for the following reasons and debtor proposes repayment as follows (explain your answer):

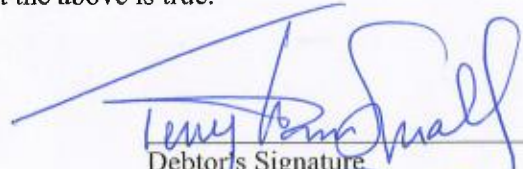

☒ Other (explain your answer):

My counsel failed to file a consent order to be signed by CitiMortgage. This consent order provides for conduit payments as to my mortgage. My counsel has assured me that he is making every effort to get the consent order signed and filed.

3. This certification is being made in an effort to resolve the issues raised in the certification of default or motion.
4. I certify under penalty of perjury that the above is true.

Date: 7/1/2020

Date: 7/1/2020

  
Debtor's Signature  
  
Debtor's Signature

**NOTES:**

1. Under D.N.J. LBR 4001-1(b)(1), this form must be filed with the court and served on the Chapter 13 Trustee and creditor, if applicable not later than 7 days before the date of the hearing if filed in opposition to a Motion for Relief from the Automatic Stay or Chapter 13 Trustee's Motion to Dismiss.
2. Under D.N.J. 4001-1 (b)(2), this form must be filed with the court and served on the Chapter 13 Trustee and creditor, if applicable not later than 14 days after the filing of a Certification of Default.